IN THE HIGH COURT OF UTTARANCHAL
AT NAINTIAL

Criminal Misc. Application No. 542 of 2006

Guddu @ Khalid S/o Sri Riyasat Ullah
R/o Islam Nagar
Khatima
P.S. Khatima
District Udham Singh Nagar .... Applicant

Vs

1. State of Uttaranchal, through Secretary of Home Affairs, Dehradun
2. House Station Officer, P.S. Khatima under the Senior Superintendent of Police Udham Singh Nagar
3. Akbar Hussain, S/o Mohd. Hussain R/o Ward No. 2 Town & Police Station Khatima District Udham Singh Nagar .... Respondents

Sri R.S.Sammal, learned counsel for the petitioner/applicant

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant who is the accused in Criminal Case No. 735 of 2005 under Section 376, 511 and 452 I.P.C. State Vs Guddu @ Khalib pending in the court of Judicial Magistrate, Khatima.

2. Heard Sri R.S. Sammal, learned counsel for the applicant, learned A.G.A. and perused the record.

3. The chargesheet under Sections 376, 511 and 452 I.P.C. has been filed against the accused by the Investigating Officer on 11.04.2005.

4. I do not find any abuse of process of court and it will not be justified on my part in going into the disputed question of fact by appreciating the documents and evidence produced before me by treating them as a evidence to hold the

accused innocent because it will amount to pre-trial of the criminal case under the inherent power of the court.

5. It will also not be fair on my part to pre-judge police papers and having found discrepancies in quashing the criminal case.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

14.07. 2006
ASWAL